

Case 2:08-cv-01331-DMC-MF Document 96-2 Filed 07/27/10 Page 1 of 3 PageID: 969

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

PFIZER INC.,
PHARMACIA & UPJOHN COMPANY,
and PFIZER HEALTH AB,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

Civil Action No. 08-CV-1331 (DMC)(MF)

Civil Action No. 08-CV-2137 (DMC)(MF)

PFIZER INC.,
PHARMACIA & UPJOHN COMPANY,
and PFIZER HEALTH AB,

Plaintiffs,

v.

IMPAX LABORATORIES, INC.,

Defendant.

[PROPOSED] UNOPPOSED ORDER GRANTING
PLAINTIFFS' MOTION FOR REDACTION
OF AN ELECTRONIC TRANSCRIPT

This matter having been brought before the Court pursuant to Local Rules 5.3(c) and 7.1, and this Court having fully considered Plaintiffs' Declaration in Support of the motion, supporting table, and any submissions in further support thereof, with the motion being unopposed, as well as the record before it, the Court makes the following findings:

IT IS this 29th day of July, 2010;

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THE COURT FINDS that on June 16, 2008 and September 23, 2008, Stipulated Discovery Confidentiality Orders were entered in the applicable litigations.

THE COURT FURTHER FINDS that Plaintiffs represent that the disclosures sought to be sealed were inadvertently disclosed in Court.

THE COURT FURTHER FINDS that the following materials contain information regarding and garnered from documents, and/or portions of deposition transcripts which have been designated as "Confidential" or "Restricted Confidential" or would be considered to fall under one of these designations by the parties in this case pursuant to the Stipulated Discovery Confidentiality Orders or contain information that is of such a highly sensitive nature that it is not appropriate for public disclosure:

- *March 10, 2010 Hearing Transcript at Page 41, lines 9-10, beginning with the word "I" and ending with the word "thing".*
- *March 10, 2010 Hearing Transcript at Page 72, line 19, beginning with the word "And" and ending with the word "work".*

THE COURT FURTHER FINDS that this is a patent action that involves confidential information and, specifically, the transcript listed above contains confidential information regarding business strategies and practices as well as license agreements, that the parties have a legitimate interest in protecting this information as confidential, because its competitors in the marketplace could utilize the information to gain an unfair competitive advantage to their detriment.

THE COURT FURTHER FINDS that the interests of the public that warrant granting an Order to Redact the Electronic Transcript include the interest of not burdening litigants' access to the Court by requiring public disclosure of valuable confidential information as a condition of litigating their rights.

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THE COURT FURTHER FINDS that the clearly defined and serious injury that would result should an Order for Redaction of the Electronic Transcript not be granted is that valuable business and trade secrets created at substantial expense by the parties will be lost and competitors would unjustly gain access to them. Specifically, the parties' confidential research information would be revealed to their competitors and these competitors would unjustly gain the ability to thwart, anticipate or usurp those plans and strategies to the competitors' advantage and the parties' loss.

THE COURT FURTHER FINDS that no less restrictive alternative is available to prevent the defined and serious injury to the parties due to the fact that the parties rely on the confidential materials in support of their respective memoranda of law.

THE COURT FURTHER FINDS that Plaintiffs complied with the dictates set forth in Local Civil Rule 5.3(c)(2) and in case law related thereto.

THEREFORE, for good cause shown, based on the Stipulated Discovery Confidentiality Orders and in order to preserve the confidentiality of the aforementioned transcript;

IT IS ORDERED that applicable portions of the transcript shall be redacted and maintained under seal by the Clerk of the Court.



Honorable Mark Falk, U.S.M.J.